



- ☐ (2) This Statement is being filed under §1.114(d) with a Request for Continued Examination (or before the mailing of a first Office Action after the filing of the Request for Continued Examination) to withdraw an Appeal before any Decision on Appeal has been mailed in order to permit the Office to consider this Statement under §1.97(b)(4).
  - ☐ (3) This Statement is being filed under §1.198 After a Decision by the Board (see §§41.50 and 41.54) has been mailed and is being filed with a Request for Continued Examination under §1.114(a) (or before the mailing of a first Office Action after the filing of the Request for Continued Examination) to permit the Office to consider this Statement under §1.97(b)(4) (see also MPEP §1214.07).
- II. A. **Filed After Examination on the Merits has Commenced with Fee (without Certification) Before Prosecution is Closed, e.g., by a Final Action or Allowance or after prosecution is re-opened after the filing of a Notice of Appeal**
- ☒ This Statement is being filed under §1.97(c)(2), with fee, **prior** to the mailing date of any Final Action, a Notice of Allowance or an Action that otherwise closes prosecution in the application or after prosecution is re-opened after the filing of a Notice of Appeal. A check in the amount of the fee required by §1.17(p) is enclosed.
- II. B. **Filed After Examination on the Merits has Commenced with Certification (without Fee) Before Prosecution is Closed, e.g., by a Final Action or Allowance**
- ☐ This Statement is being filed under §1.97(c)(1), with a certification under, §1.97(e) prior to the mailing date of any of a Final Action, a Notice of Allowance or an Action that otherwise closes prosecution in the application. The undersigned hereby states that (check one):
    - ☐ each item of information contained in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
    - ☐ no item of information in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification under §1.97(e) after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this Statement.
- III. **Filed After Prosecution has Closed with Both Fee and Certification, e.g., either: (1) After Final Action, or (2) After Allowance (but filed before or with Payment of the Issue Fee)**
- ☐ This Statement is being filed under §1.97(d), with fee and certification under §1.97(e), on or after the mailing date of either a Final Action, a Notice of Allowance (but prior to payment of the Issue Fee) or any Action that otherwise

closes prosecution in the application. A check in the amount of the fee required by §1.17(p) is enclosed. The undersigned hereby states that (check one):

- ☐ each item of information in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ no item of information in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification under §1.97(e) after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement.

IV. **Filed in an RCE After Payment of the Issue Fee (but before the Issue Date) with a Petition to Withdraw From Issue with Petition Fee**

- ☐ This Statement is being filed after payment of the issue fee but before the issue date with a petition under §1.313(a) and 1.313(c)(2) with the fee of Rule 17(h), and with a Request for Continued Examination under Rule 114(d) and the fee of Rule 17(e) or is being filed before the mailing of a first Office Action after the filing of the Request for Continued Examination.

**Remarks**

If there are fees and/or a petition due with this Statement that is/are for some reason incorrect or missing, the Commissioner is authorized to consider this paper as a substitute for any missing petition and/or to deduct/credit the missing amount or any shortfall/excess from/to our Deposit Account No. 23-0442.

Respectfully submitted,

/Francis J. Maguire/

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